July 12, 2013
1420 East 6th Ave.
P.O. Box 200701
Helena, MT 59620-0701

Environmental Quality Council
Montana Department of Environmental Quality
Montana Department of Fish, Wildlife and Parks
Fisheries Division
Endangered Species Coordinator
Great Falls Office
Montana State Library, Helena
Montana Department of Natural Resources and Conservation
Lewis and Clark Conservation District, 790 Colleen Street, Helena, MT 59601
MT Environmental Information Center
Montana Audubon Council
Montana Wildlife Federation
Wayne Hadley, 1016 Eastside Road, Deer Lodge, MT 59722
Montana River Action, 304 N 18th Ave., Bozeman, MT 59715
U.S. Army Corp of Engineers, Helena
U.S. Fish and Wildlife Service, Helena
State Historic Preservation Office, Helena
Dean Bjerke, P.O. Box 5987, Helena, MT 59604
John Ellis, P.O. Box 916, Gore, OK 74435
Dan Edens, P.O. Box 7569, Helena, MT 59604
Wesley Edens, P.O. Box 7569, Helena, MT 59604
Doug Erickson, 1840 Munger Lane, Helena, MT 59602
Mark Bushnell, 1620 Munger Road, Helena, MT 59602
Kevin Syvrud, 4010 Buoy Blvd, Helena, MT 59602

Ladies and Gentlemen:

Please find enclosed an Environmental Assessment (EA) prepared for the Future Fisheries Improvement Program. The Program tentatively plans to provide partial funding to replace a dilapidated diversion structure located on Tenmile Creek by moving the headgate upstream to a location where it would be more efficient to withdraw water and, at the same time, provide for upstream fish passage. Additionally, the project calls for stabilizing eroding stream banks using small woody structures (harvested juniper trees) and for the installation of riparian fencing to create a livestock grazing exclosure. The intent of the project is to ensure upstream fish passage and, at the same time, provide a diversion structure that would allow water users to obtain their water rights. The project is located on property owned by Dean Bjerke approximately 0.5 miles north of the city of Helena in Lewis and Clark County.

Please submit any comments that you have by 5:00 P.M., August 12, 2013 to Montana Fish, Wildlife & Parks at the address listed above. The funding for this project through the Future Fisheries Improvement Program is contingent upon approval being granted by the Fish, Wildlife and Parks Commission. If you have any questions, feel free to contact me at (406) 444-2432. Please note that this draft EA will be considered as final if no substantive comments are received by the deadline listed above.

Sincerely,

Mark Lere, Program Officer
Habitat Protection Bureau
Fisheries Division
e-mail: mlere@mt.gov

ENVIRONMENTAL ASSESSMENT
Fisheries Division
Montana Fish, Wildlife & Parks
Tenmile Creek Diversion Rehabilitation and Fish Passage Project

General Purpose: The 1995 Montana Legislature enacted sections 87-1-272 through 273, MCA that directs the Montana Fish, Wildlife and Parks (FWP) to administer a Future Fisheries Improvement Program. The program involves providing funding for physical projects to restore degraded fish habitat in rivers and lakes for the purpose of improving wild fisheries. The legislature established an earmarked funding account to help accomplish this goal.

The Future Fisheries Improvement Program is proposing to provide partial funding to replace a dilapidated diversion structure located on Tenmile Creek by moving the headgate upstream to a location where it would be more efficient to withdraw water and provide for upstream fish passage. Additionally, the project calls for stabilizing eroding stream banks using small woody structures (harvested juniper trees) and for the installation of riparian fencing to create a livestock grazing exclosure. The intent of the project is to ensure upstream fish passage and, at the same time, provide a diversion structure that would allow water users to obtain their water rights. The project is located on property owned by Dean Bjerke approximately 0.5 miles north of the city of Helena in Lewis and Clark County.

I. Location of Project: The proposed project is located approximately 0.5 miles north of the city of Helena in Township 10 North, Range 3 West, Section 8 in Lewis and Clark County (Attachment 1).

II. Need for the Project: One goal within Montana Fish, Wildlife and Parks six-year operations plan for the fisheries program is to "restore and enhance degraded fisheries habitats" by implementing habitat restoration projects and administering the Future Fisheries Improvement Program to restore important habitats on private and public lands. This proposed project would help meet this goal.

Tenmile Creek is a tributary to Prickly Pear Creek and ultimately Lake Helena that primarily supports brown trout and rainbow trout in its lower reaches. An old, dilapidated irrigation diversion is located about 0.25 miles upstream from the confluence with Prickly Pear Creek and, when operable, essentially blocks upstream fish passage. Water use at this point of diversion has been sporadic over the past several years, with only one water user consistently diverting a small amount of water for recreation use. The diversion became inoperable following the high spring run-off in 2011. Recent proposals by the water users to repair the diversion would create an upstream passage barrier to fish. As an alternative, this project calls for reconstructing a more efficient diversion that would provide for upstream fish passage. Additionally, past livestock grazing has denuded the stream banks of woody riparian shrubs and has increased stream bank erosion rates. This project calls for shaping eroding stream banks and armoring them with tree revetment and rootwads. Riparian fencing would be installed to control grazing within the riparian corridor.

III. Scope of the Project:

This project calls for moving an existing diversion on Tenmile Creek approximately 200 feet upstream to an outside meander bend that would allow for a more efficient diversion of water. A boulder cross-vane and new headgate would be installed to provide adequate head to divert water and, and at the same time, provide upstream passage for fish (Attachment 2). Additionally, eroding stream banks located within a 1,750-foot reach of stream would be shaped and armored with tree revetment and rootwads (Attachment 3). Approximately 1,030 feet of bank would be treated and 5,000 feet of fencing would be installed around the perimeter of the riparian corridor. The riparian corridor would be treated as a grazing exclosure

(Attachment 4). A water gap/stream crossing would be installed in approximately the center of the project. The project is expected to cost $55,400.00. Of this total, the Future Fisheries Improvement Program would be contributing up to $32,350.00. The remainder of the funding would come from outside sources:

Contributor	In-kind services	In-kind cash
PPL Montana		$18,000.00
Ski Lake HOA	$2,200.00	$2,000.00
Landowner	$2,400.00	

IV. Environmental Impact Checklist:

Please see attached checklist.

V. Explanation of Impacts to the Physical Environment

1. Terrestrial and aquatic life habitats.

Ensuring upstream fish passage at an existing diversion located on a lower reach of Tenmile Creek is expected to enhance resident fish populations, and possibly fluvial fish moving up from Hauser Reservoir and Lake Helena. The proposed channel stabilization and riparian fencing efforts are expected to reduce bank erosion, create pool habitat and promote recovery of the riparian vegetative community.

2. Water quantity, quality and distribution.

Short-term increases in turbidity will occur during project construction. To minimize turbidity, the operation of equipment in the active stream channel will be minimized to the extent practicable. The Department of Environmental Quality will be contacted to determine narrative conditions required to meet short-term water quality standards and protect aquatic biota (318 authorization). A 124 permit (Stream Protection Act) will be obtained from Fish, Wildlife and Parks and the U.S. Army Corp of Engineers will be contacted to determine the need to meet 404 provisions of the Clean Water Act. Stabilizing a series of eroding stream banks and excluding livestock within the riparian corridor is expected to improve water quality in the long term

A number of reaches of Tenmile Creek can go dry each year from irrigation demand or from the loss of flow into the groundwater. Although stream flow in Tenmile Creek has improved in recent years, primarily due to reduced irrigation demand, the reach of stream proposed for restoration commonly continues to go dry during the peak of irrigation. There are eight known water users on this shared diversion, three are located on the Ellis Ditch (ditch taking water from the north side of the stream) and five are located on the Munger Ditch (ditch taking water from the south side of the stream). Due to the deteriorated condition of the existing diversion, the Ellis ditch has not been in use for several years. Moving the diversion upstream essentially will not resolve the inability to obtain water into the Ellis Ditch. All three water users have been informed about this project proposal and all have approved removing the old, dilapidated structure. One Ellis user hasn't called for water in this ditch since the 1950's and has no plans to use it in the future. The remaining two Ellis water users have a secondary point of diversion associated with the water rights and use these secondary diversions instead of the Ellis ditch. This project is not expected to change water use on

Tenmile Creek.

3. Geology and soil quality, stability and moisture.

Soils within the project area would temporarily be disturbed during construction. Stabilizing eroding stream banks and installing riparian fencing to exclude livestock would mitigate this disturbance.

4. Vegetation cover, quantity and quality.

Vegetation and cover within the project area would be disturbed during the period of construction. The project area is currently vegetated primarily with non-native pasture grass. Installation of riparian fencing and the exclusion of livestock would mitigate for this disturbance and would promote vegetation growth.

5. Aesthetics.

During the short term, aesthetics in the immediate project area would be adversely impacted due ground disturbance and the presence of heavy construction equipment. In the long term, aesthetics would be enhanced due to a recovering riparian vegetative community.

8. Historic and archeological sites.

The project would require excavation into the stream banks of Tenmile Creek. This excavation work has the potential to disturb cultural artifacts. Additionally, the project will require an Army Corp of Engineers 404 permit where the permittee could not proceed until a "no effect" determination from the Corps or other authorization under the National Historic Preservation Act is received. Therefore, the State Historic Preservation Office will be contacted to determine the need for compliance with the federal historic preservation regulation. Future Fisheries funding would not be made available until a cultural clearance is granted.

VI. Explanation of Impacts on the Human Environment.

7. Access to & quality of recreational activities.

It is anticipated that maintaining up-stream fish passage in lower Tenmile Creek would improve the resident fisheries, as well as potentially the fluvial fisheries. Portions of Tenmile Creek are open for public access and the Hauser Reservoir/Lake Helena complex supports a very popular public fishery.

VII. Discussion and Evaluation of Reasonable Alternatives.

1. No Action Alternative

If no funding is provided through the Future Fisheries Improvement Program, the applicant either would need to seek out other sources of funding to complete the project or water users potentially could rehabilitate the existing diversion structure and not provide for upstream fish passage. Additionally, the riparian corridor would remain subject to over-grazing by livestock.

2. The Proposed Alternative

The proposed alternative intends to provide funding through the Future Fisheries Improvement Program to replace an existing, dilapidated diversion on Tenmile Creek to allow for a more efficient conveyance of water and, at the same time, provide for unimpeded upstream fish passage for fish. The project also is expected to improve pool habitat and encourage vegetative shading of the stream channel, as well as enhance the abundance of fish in the drainage.

VIII. Environmental Assessment Conclusion Section

1. Is an EIS required? No.

We conclude from this review that the proposed activities will have a positive impact on the physical and human environment.

2. Level of public involvement.

The proposed project was reviewed and supported by the public review panel of the Future Fisheries Improvement Program. The proposed project also will be reviewed by the Fish, Wildlife and Parks Commission and funding will be contingent upon their approval. The Environmental Assessment (EA) is being distributed to all individuals and groups listed on the cover letter. The EA also will be published on Montana Fish, Wildlife and Parks webpage: fwp.mt.gov.

3. Duration of comment period?

Public comment will be accepted through 5:00 PM on August 12, 2013.

4. Person responsible for preparing the EA.

Mark Lere, Program Officer
Habitat Protection Bureau
Fisheries Division
Montana Fish, Wildlife and Parks
PO Box 200701
Helena, MT 59620
Telephone: (406) 444-2432
e-mail: mlere@mt.gov

MONTANA DEPARTMENT OF FISH, WILDLIFE AND PARKS
1420 E 6th Ave, PO BOX 200701, Helena, MT 59620-0701
(406) 444-2535

ENVIRONMENTAL ASSESSMENT

Project Title: Tenmile Creek Diversion Rehabilitation and Fish Passage Project
Division/Bureau: Fisheries Division -Future Fisheries Improvement
Description of Project: The Future Fisheries Improvement Program tentatively plans to provide partial funding to replace a dilapidated diversion structure located on Tenmile Creek by moving the headgate upstream to a location where it would be more efficient to withdraw water and, at the same time, provide for unimpeded upstream fish passage. Additionally, the project calls for stabilizing eroding stream banks using small woody structures. Riparian fencing would be installed to create a livestock grazing exclosure. The project site is located on property owned by Dean Bjerke approximately 0.5 miles north of the city of Helena in Lewis and Clark County.

POTENTIAL IMPACT ON PHYSICAL ENVIRONMENT

	MAJOR	MODERATE	MINOR	NONE	UNKNOWN	COMMENTS ON ATTACHED PAGES
1. Terrestrial & aquatic life and habitats			X			X
2. Water quality, quantity & distribution			X			X
3. Geology & soil quality, stability & moisture			X			X
4. Vegetation cover, quantity & quality			X			X
5. Aesthetics			X			X
6. Air quality				X		
7. Unique, endangered, fragile, or limited environmental resources				X		
8. Demands on environmental resources of land, water, air & energy				X		
9. Historical & archaeological sites					X	X

POTENTIAL IMPACTS ON THE HUMAN ENVIRONMENT

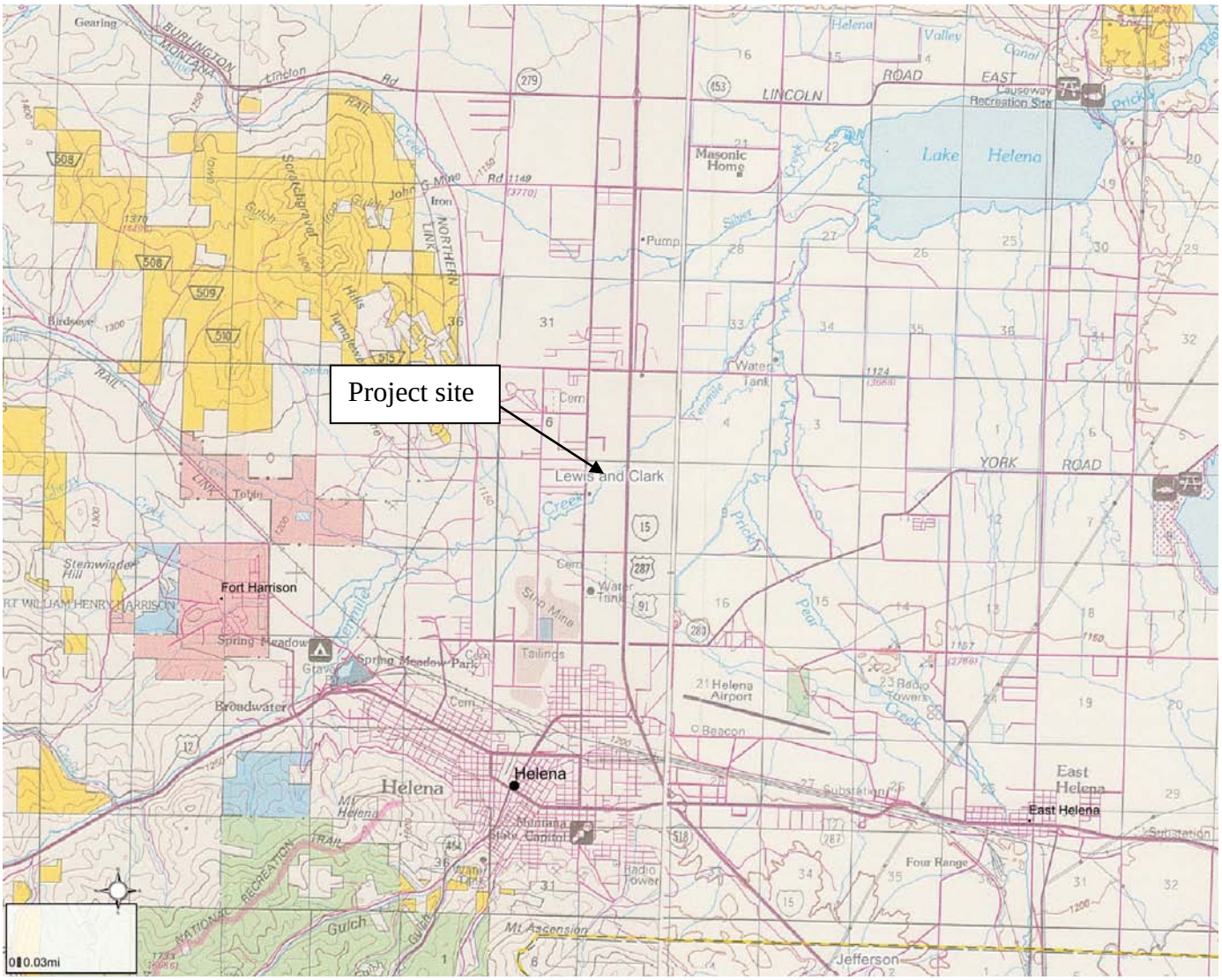
	MAJOR	MODERATE	MINOR	NONE	UNKNOWN	COMMENTS ON ATTACHED PAGES
1. Social structures & mores				X		
2. Cultural uniqueness & diversity				X		
3. Local & state tax base & tax revenue				X		
4. Agricultural or industrial production				X		
5. Human health				X		
6. Quantity & distribution of community & personal income				X		
7. Access to & quality of recreational and wilderness activities			X			X
8. Quantity & distribution of employment				X		
9. Distribution & density of population & housing				X		
10. Demands for government services				X		
11. Industrial & commercial activity				X		
12. Demands for energy				X		
13. Locally adopted environmental plans & goals				X		
14. Transportation networks & traffic flows				X		

Other groups or agencies contacted or which may have overlapping jurisdiction: Lewis and Clark Conservation District, US Fish and Wildlife Service, US Army Corp of Engineers, Montana Department of Environmental Quality, Montana Fish, Wildlife and Parks, State Historic Preservation Office

Individuals or groups contributing to this EA Eric Roberts, Montana Fish, Wildlife and Parks

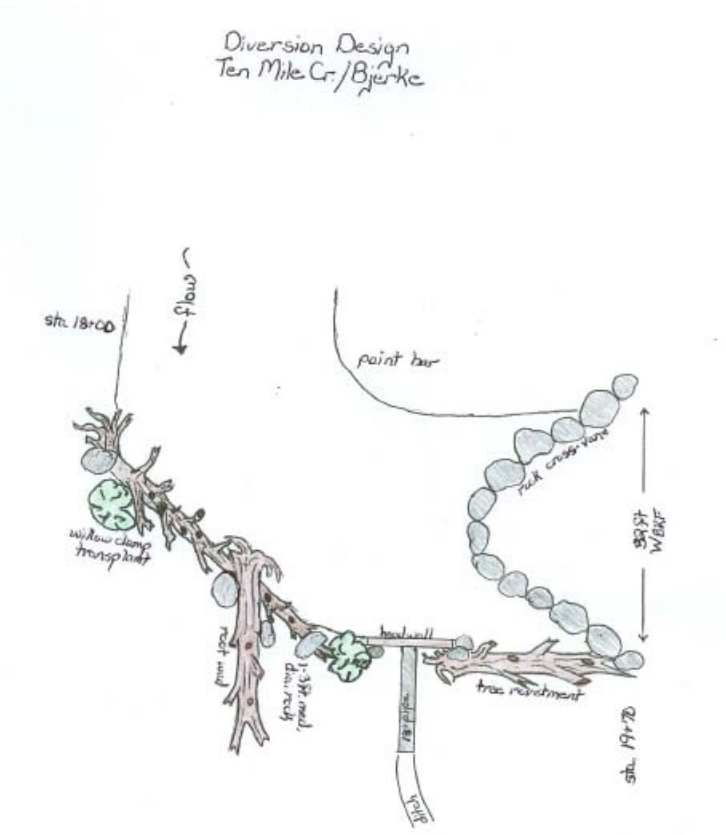
Recommendation concerning preparation of EIS No EIS required.

EA prepared by: Mark Lere
Date: July 1, 2013



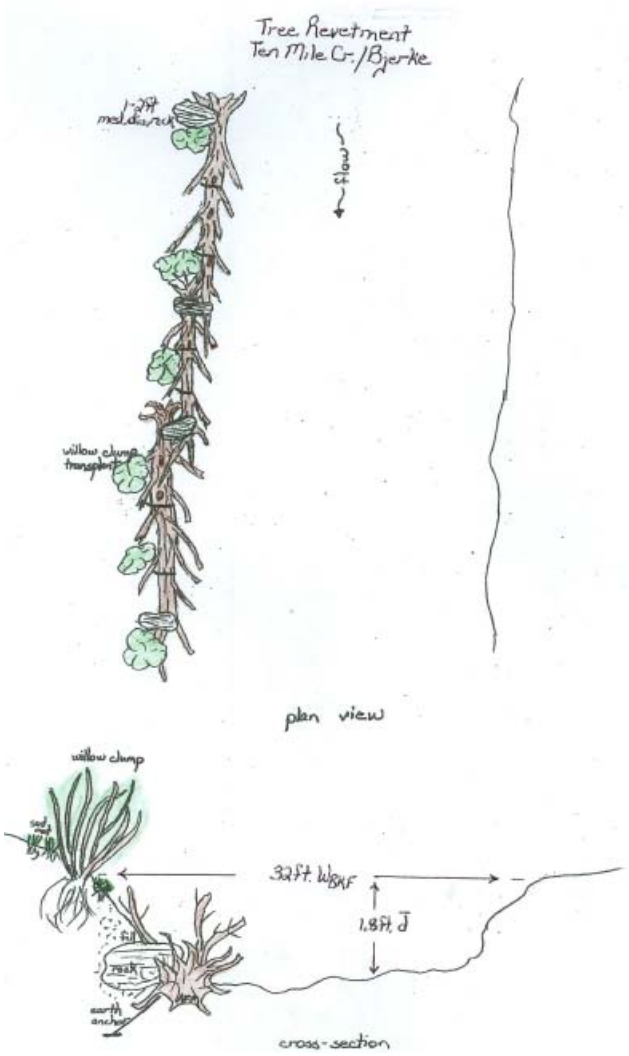
Map showing project location on Tenmile Creek.

ATTACHMENT 1

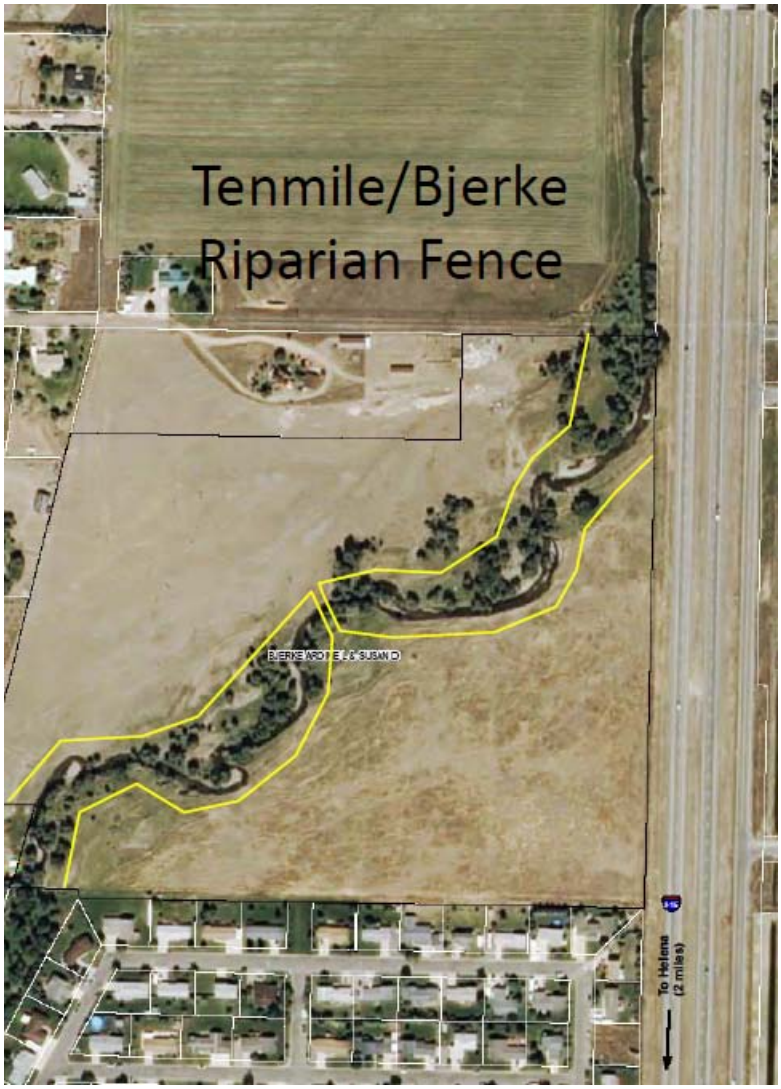


Proposed cross-vane diversion on Tenmile Creek

ATTACHMENT 2.



ATTACHMENT 3.



Proposed riparian fencing and water gap on Tenmile Creek.

ATTACHMENT 4.